# Public Library Systems

Title 65 Article 4 Section 101-107

# §65-4-101. Authority for establishment.

Counties, cities and towns are hereby authorized and empowered to join in creation, development, operation and maintenance of public libraries to serve multicounty systems, and to appropriate and allocate funds for the support of such systems. Such systems shall provide equitable library services to all persons in the district.

To insure the effective development of library service in all rural and urban areas, the creation and organization of library systems and the district to be served shall be subject to approval by the Oklahoma Department of Libraries Board in accordance with the provisions of Article X, Section 10A of the Oklahoma Constitution. After establishment, library systems shall be subject to accreditation by the Oklahoma Department of Libraries Board.

Parts of an adjacent county may be added to or included in multicounty systems if these additions are determined by agreement of the system board, the petitioning parties, and the Oklahoma Department of Libraries Board to be the most feasible way to provide public library services to such part of a county.

Special levies of any and all taxes authorized to be levied by counties, cities and towns under this and other Oklahoma Statutes as amended and the Oklahoma Constitution as amended are hereby authorized to be levied for support of library systems.

When any multicounty system is established under provisions of this act, existing public libraries in the district may be incorporated into the system under a unified administration by act of local governing bodies or vote of the people as provided in the procedure for establishment. Existing public libraries not incorporated into the system shall have the same relationship to the system as similar public libraries outside the district have to the local system and to other systems.

Added by Laws 1967, c. 45, § 4-101, emerg. eff. April 6, 1967. Amended by Laws 1992, c. 322, § 7, eff. July 1, 1992.

# §65-4-102. Procedure for establishment and termination.

A library system may be created by resolution or ordinance approved by the boards of county commissioners or by the governing bodies of all cities or towns of two thousand (2,000) or more according to the latest U.S. Census within the proposed district, or by the county seat town if no city or town within a county has a population of at least two thousand (2,000), subject to approval by the Oklahoma Department of Libraries Board. Such resolution and ordinances shall specify the type of system to be created, the district to be served, organization of the governing board of the system, proposed financing including agreement to call for a vote of the people as necessary for special tax levies, and shall constitute application for approval by the Oklahoma Department of Libraries Board when submitted to the Board.

A library system may be created upon initiative of the county, city and town governing bodies concerned, or upon presentation of petitions to the board of county commissioners of each county signed by not less than ten (10%) percent of of the qualified electors of each county voting in the latest preceding general election. Upon receipt of such petitions, the board of county commissioners of each county shall forthwith call for a countywide vote on the proposed library system.

When approval of the proposed system is granted by the Oklahoma Department of Libraries Board, the county, city and town governing bodies shall proceed with appointment of the system board and financing.

After appointment of the governing board of the library system, it may request demonstration library services by the Oklahoma Department of Libraries before approval of special tax levies and/or may request a grant of funds for interim services before collection of special tax levies by the people of the district.

The boards of county commissioners and the governing bodies of cities and towns involved in creation of a library system, and the governing board of the library system, are authorized to enter into contracts and agreements by and between such governing bodies and with other such library systems, special and school and college libraries, and the Oklahoma Department of Libraries in affecting the purposes of this article and other articles of this Code.

After a system has been created, another county or counties may be added to the system by action of the governing bodies of the applicant counties and cities as provided in the procedure for establishment.

Any library system created under the provisions of this Code may be terminated, or a part thereof may withdraw and resulting special tax levies shall be discontinued only by majority vote of qualified electors voting in an election called by petitions signed by not less than twenty (20%) percent of the qualified electors voting in the latest preceding general election of the county or counties wishing to terminate or withdraw.

This provision for termination of all or a part of a library system shall not prohibit the reorganization of any system, or the transfer of part of a system to another system or the merging of systems, by act of the county, city and town governing bodies with approval of the Oklahoma Department of Libraries Board, provided that such changes do not result in termination of library service in any other area for which such service has been approved.

Added by Laws 1967, c. 45, § 4-102, emerg. eff. April 6, 1967. Amended by Laws 1992, c. 322, § 8, eff. July 1, 1992.

# §65-4-103. Governing boards - Membership - Tenure - Qualifications - Compensation.

A. The Board of Trustees of a library system containing two or more counties, herein defined as a multicounty library system, shall consist of at least five (5) members. There shall be at least one member from each county appointed by the board of county commissioners. Additional members shall be appointed for each city within the system with a public library located in the city, with these appointments to be made by the governing body of the city. Should the board serving a multicounty unit result in fewer than five members, additional board members shall be appointed on a proportional basis agreed upon by the county governments involved.

B. Any member serving on a system board as of the effective date of this act shall continue to serve until the end of the current term for which they were appointed. Thereafter, appointments shall be made as provided for in subsection A of this section.

C. Initial appointments shall be distributed among one-, two- and three-year terms, with one-third (1/3) of the appointments to be made for one (1) year, one-third (1/3) to be made for two (2) years and one-third (1/3) for three (3) years. Subsequent appointments shall be for three-year terms, except in the case of an appointment to fill a vacancy in the membership of the system board, which appointment shall be for the remainder of the unexpired term of the member where death, resignation or removal has created the vacancy. A partial term of not more than eighteen (18) months served immediately prior to a full three-year term shall not be counted as a full term. No person shall serve more than two full successive terms. Provided that a person who previously served for two (2) successive terms or less may be reappointed if two (2) years has expired since the person’s last service on the board. All tenure of initial and future appointees shall expire on June 30 of the designated year. A member of a system board once qualified can thereafter be removed by the appointive authority during his term of office only for misconduct or neglect of duty.

D. Appointments to the system board shall be made on the basis of ability, a sound understanding of the total responsibilities and objectives of public libraries and an active interest in the attainment of these comprehensive goals. Appointive members shall be qualified electors and bona fide residents of the counties from which they are appointed. No member of the system board shall in any way be connected with the business of publishing or selling books, periodicals or other forms of library materials nor with the business of manufacturing or selling library supplies or equipment.

E. All system board members shall serve thereon without compensation except actual and necessary travel expenses as authorized by the State Travel Reimbursement Act. Individual memberships for systems board members in state, regional, and national library associations and expenses incurred in attending conferences of these associations, board meetings and other library and library-related meetings may be paid from library funds upon proper authorization of the board.

Added by Laws 1967, c. 45, § 4-103, emerg. eff. April 6, 1967. Amended by Laws 1976, c. 45, § 1, emerg. eff. April 9, 1976; Laws 1992, c. 322, § 9, eff. July 1, 1992; Laws 1996, c. 20, § 1, emerg. eff. April 3, 1996; Laws 2013, c. 140, § 1, emerg. eff. April 24, 2013.

# §65-4-104. System board of trustees - Officers - Meetings - Quorum.

The system board shall elect a chairman, vice-chairman, and treasurer from the appointed members. The term of the officers shall be one (1) year.

The system board shall meet as often as is required to transact necessary business and all meetings shall be open to the public in compliance with the Oklahoma Open Meetings Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes. It shall adopt rules for the transaction of business and keep a record of its functions and activities, which record shall be a public record.

A majority of the board membership shall constitute a quorum.

Added by Laws 1967, c. 45, § 4-104, emerg. eff. April 6, 1967. Amended by Laws 1992, c. 322, § 10, eff. July 1, 1992.

# §65-4-105. System board of trustees - Powers and duties.

(a) Every system board created by this Code shall have all powers necessary or convenient for the accomplishment of the purpose and provisions hereof, including, in addition to others granted in this article, the following powers:

(1) To operate and maintain a library system and to adopt such rules and regulations for the operation thereof as may be deemed necessary or expedient.

(2) To purchase, lease, or otherwise acquire land or buildings or portions of buildings for library purposes.

(3) To erect, maintain, and operate public library buildings at one or more places.

(4) To accept transfer of any existing public library or libraries by lease or other conveyance.

(5) To acquire, by purchase or otherwise, books and other personal property customarily used in the operation of public libraries including necessary motor vehicles.

(6) To sell and dispose of personal property acquired by purchase or any other means when by proper resolution the board finds that said property is not needed for library purposes.

(7) To acquire, accept, hold, and convey legal title to interest in real property in the name of the system board. Deeds or other conveyances of said interests in real property shall be executed for and on behalf of the system board by the chairman and shall be attested by the secretary upon proper resolution of the Board.

(8) To accept or decline donations tendered to the library system.

(9) To administer the expenditure of any funds which may become available for library purposes.

(10) To establish a schedule of fees to cover various services rendered and also to contract with other persons, including legal counsel and independent certified public or certified municipal accounting service, within the limits of its appropriations, and to incur necessary expenses. This subsection shall not be construed to preclude the use of the appropriate district attorney or assistant district attorney for legal counsel and the State Auditor and Inspector for auditing services.

(11) To apply, contract for, receive and take advantage of any or all allocations of funds which may be available to the system board for library or library related purposes and services under the laws and regulations of the United States, the State of Oklahoma, or any other state, or any organization, agency, instrumentality or subdivision of these entities or undertake or contract for joint activities or programs with the United States, the State of Oklahoma or any other state, and any organization, agency, instrumentality, or subdivision of these entities pertaining to library or library related purposes or services; and to prepare and submit plans, specifications, reports or applications, to execute any agreements, to employ, fix duties and compensation of personnel, and to administer and direct any programs, plans or projects in connection with any of the foregoing.

(12) To enter into agreements with school districts in any area served by the library upon such terms as may be mutually agreed. The agreement shall prescribe equitable charges for the cost to serve schools which include on-site costs of library collection and library automation and the cost of providing assigned staffing which meets the certification requirements for school library media programs.

(13) To borrow monies on the credit of the Board of Trustees for a term not to exceed one (1) year.

(14) To do all other things necessary or desirable to carry out the purposes and provisions of this Code.

(b) It shall be the duty of the system board to prepare an annual budget which shall be filed on or before June 1 with the boards of county commissioners and the county excise boards, the State Auditor and Inspector, the Oklahoma Department of Libraries, State Board of Equalization, and with cities and towns which participate in financial support of the system. The system board shall also submit an annual audit of its income and expenditures within ninety (90) days following the close of the fiscal year to the boards of county commissioners, the State Auditor and Inspector, the Oklahoma Department of Libraries and with cities and towns which participate in financial support of the system.

(c) In the case of withdrawal of a county or abolishing of a library system, disposal of the assets, including capital equipment and other property of the library district, shall be made in the most equitable manner possible as determined by the Oklahoma Department of Libraries Board, who shall give consideration to such items as the original source of the property, the amount of funds raised from each county of the system, and the ability of the counties to make further use of such property or equipment for library purposes.

(d) Funds levied and collected pursuant to Article 10, Section 10-A of the Oklahoma Constitution shall be controlled and administered under the direction of the system board.

(e) Other funds contributed from federal, state, county and city governments, and from any other source shall be deposited in the independent library account following such procedures as may be agreed upon by the contributing agency, the system board, and the Oklahoma Department of Libraries Board.

(f) Vouchers shall be drawn by such officers or employees as prescribed by the system board. Each designated officer or employee shall give a faithful performance bond approved by the system board in a sum determined by the board and sufficient in amount to equal the estimated largest sum of money which will be disbursed at any one time. Premiums for such bond may be paid from funds of the library system.

Added by Laws 1967, c. 45, § 4-105, emerg. eff. April 6, 1967. Amended by Laws 1979, c. 30, § 113, emerg. eff. April 6, 1979; Laws 1992, c. 322, § 11, eff. July 1, 1992; Laws 1994, c. 362, § 1, eff. July 1, 1994.

# §65-4-106. Personnel.

(a) The system board shall appoint a librarian of the library system on the basis of merit and experience. Such librarian shall be a graduate of a library school accredited by the American Library Association. The librarian shall be the administrative, executive and supervisory officer of the library and secretary to the system board. The librarian shall serve at the discretion of the system board.

(b) The librarian may appoint and remove staff members and other employees.

(c) The system board may establish or participate in employee retirement and health insurance programs either for the exclusive benefit of its staff or jointly and, in conjunction with city, county, state, or other retirement systems, may expend upon authorization of the board funds allocated by the board for such purposes.

Added by Laws 1967, c. 45, § 4-106, emerg. eff. April 6, 1967. Amended by Laws 1992, c. 322, § 12, eff. July 1, 1992.

# §65-4-107. Financing.

Library systems are hereby authorized and empowered to receive and allocate funds for establishment, development and maintenance of library facilities and services through special library tax levies as hereinafter provided and other funds, including appropriations from city, town and county general funds, state and federal grants-in-aid, and other public and private funds. All such funds received and appropriated may be used for library services throughout the library district.

(a) The governing boards of cities, towns, counties, and library systems established by vote of the people, as authorized, may submit to a vote of the people special tax levies of any tax or taxes which are or may be authorized for levying in and by cities, towns, counties and library system districts.

(b) The initial financing of any library system established under this act shall be approved by the Oklahoma Department of Libraries Board.

Added by Laws 1967, c. 45, § 4-107, emerg. eff. April 6, 1967.

# §65-4-107.1. Oklahoma Local Library Capital Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Libraries to be designated the "Oklahoma Local Library Capital Revolving Fund". The fund shall be a continuing fund not subject to fiscal year limitations and shall consist of monies received by the Oklahoma Department of Libraries from state appropriations, federal funds or from any other appropriate sources. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Department of Libraries for the purpose of providing capital grants to public libraries within the state. Capital grants made pursuant to this section shall not be made to systems within counties with a population of five hundred thousand (500,000) or more. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as provided by law with the Director of the Office of Management and Enterprise Services for approval and payment.

The Oklahoma Department of Libraries shall establish guidelines for the equitable apportionment of monies to public libraries applying for such grants.

Added by Laws 2001, c. 124, § 1, eff. Sept. 1, 2001. Amended by Laws 2012, c. 304, § 529.

# §65-4-108. Repealed by Laws 1992, c. 322, § 21, eff. July 1, 1992.

# §65-4-109. Repealed by Laws 1992, c. 322, § 21, eff. July 1, 1992.

# §65-4-110. Repealed by Laws 1992, c. 322, § 21, eff. July 1, 1992.